

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LAUREN ASHLEY MORGAN; ERIK  
BARNES; SHERRY BASON; LOIS WINN;  
GEORGES EMMANUEL NJONG DIBOKI;  
JULIA SIMS; and SOPHIA WOODLAND,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiff,

v.

REALPAGE, INC.; GREYSTAR REAL  
ESTATE PARTNERS, LLC; LINCOLN  
PROPERTY CO.; CUSHMAN &  
WAKEFIELD, INC.; FPI MANAGEMENT,  
INC.; RPM LIVING, LLC; BH  
MANAGEMENT SERVICES, LLC; MID-  
AMERICA APARTMENT COMMUNITIES,  
INC.; MORGAN PROPERTIES, LLC;  
AVENUE5 RESIDENTIAL, LLC; BOZZUTO  
MANAGEMENT COMPANY; AVALONBAY  
COMMUNITIES, INC.; HIGHMARK  
RESIDENTIAL, LLC; EQUITY  
RESIDENTIAL; THE IRVINE COMPANY,  
LLC; ESSEX PROPERTY TRUST, INC.; ZRS  
MANAGEMENT, LLC; CAMDEN PROPERTY  
TRUST; UDR, INC.; CONAM  
MANAGEMENT CORPORATION;  
CORTLAND PARTNERS, LLC; THRIVE  
COMMUNITIES MANAGEMENT, LLC;  
SECURITY PROPERTIES INC.; CWS  
APARTMENT HOMES, LLC; PROMETHEUS  
REAL ESTATE GROUP, INC.; SARES REGIS  
GROUP OPERATING, INC.; MISSION ROCK  
RESIDENTIAL, LLC; and MORGAN GROUP,  
INC.,

Defendants.

No. 2:22-cv-01712

STIPULATED MOTION AND  
ORDER SUSPENDING  
DEADLINE FOR CERTAIN  
DEFENDANTS TO RESPOND TO  
COMPLAINT

STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR CERTAIN DEFENDANTS TO  
RESPOND TO COMPLAINT

No. 2:22-cv-01712

Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiffs Lauren Ashley Morgan, Erik Barnes, Sherry Bason, Lois Winn, Georges Emmanuel Njong Diboki, Julia Sims, and Sophia Woodland (collectively, “Plaintiffs”) and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., Cushman & Wakefield, Inc., FPI Management, Inc., RPM Living, LLC, BH Management Services, LLC, Mid-America Apartment Communities, Inc., Bozzuto Management Company, AvalonBay Communities, Inc., Highmark Residential, LLC, Equity Residential, Essex Property Trust, Inc., Camden Property Trust, UDR, Inc., ConAm Management Corporation, Thrive Communities Management, LLC, and Prometheus Real Estate Group, Inc. (collectively, the “Stipulating Defendants”), by and through their respective counsel,<sup>1</sup> hereby stipulate as follows:

WHEREAS, Plaintiffs filed a Class Action Complaint (the “Complaint”) on December 2, 2022. ECF No. 1.

WHEREAS, Plaintiffs served the Stipulating Defendants with process on or about December 7, 8, 9, 12, and 14, 2022.

WHEREAS, Plaintiffs have not yet served Morgan Properties, LLC, Avenue5 Residential, LLC, Cortland Partners, LLC, and Security Properties Inc.

WHEREAS, Plaintiffs and the Stipulating Defendants are not aware whether The Irvine Company, LLC, ZRS Management, LLC, CWS Apartment Homes, LLC, Sares Regis Group Operating, Inc., Mission Rock Residential, LLC, and Morgan Group, Inc. are yet represented by counsel.

WHEREAS, the Complaint asserts a claim under Section 1 of the Sherman Act based on the alleged use of RealPage, Inc.’s revenue management software.

WHEREAS, as of the date of this filing, the parties are aware that one or more of the

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<sup>1</sup> Greystar Real Estate Partners, LLC, Lincoln Property Co., Cushman & Wakefield, Inc., RPM Living, LLC, BH Management Services, LLC, Mid-America Apartment Communities, Inc., Bozzuto Management Company, AvalonBay Communities, Inc., Highmark Residential, LLC, Essex Property Trust, Inc., Camden Property Trust, UDR, Inc., and Prometheus Real Estate Group, Inc. are still in the process of retaining local counsel for this action and have been represented by the national counsel listed in the signature block below.

1 Stipulating Defendants are named in multiple other lawsuits, in District Courts in Colorado,  
2 Massachusetts, Texas, and Washington, asserting claims under Section 1 of the Sherman Act  
3 based on the alleged use of RealPage, Inc.'s revenue management software.

4 WHEREAS, Plaintiffs and the Stipulating Defendants have conferred and agreed that  
5 party and judicial efficiency would be best served by suspending, for a short period of time, the  
6 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the  
7 Complaint.

8 WHEREAS, Plaintiff and the Stipulating Defendants have agreed to meet and confer  
9 and file a status report with the Court by January 18, 2023 related to a schedule for the case.

10 WHEREAS, on November 28, 2022, this Court entered in *Navarro v. RealPage, Inc. et*  
11 *al.*, No. 2:22-cv-01552 (W.D. Wash.), an order that is essentially identical to the subjoined  
12 order based on a stipulation that is essentially identical to this one.

13 WHEREAS, on December 6, 2022, Judge Barbara J. Rothstein entered in *Alvarez et al.*  
14 *v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), which is now pending before this  
15 Court, an order that is essentially identical to the subjoined order based on a stipulation that is  
16 essentially identical to this one.

17 WHEREAS, on December 8, 2022, Defendant Equity Residential filed a Motion to  
18 Transfer the instant case to the Southern District of California.

19 WHEREAS, on December 12, 2022, Judge Robert S. Lasnik entered in *Cherry et al. v.*  
20 *RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), an order that is essentially identical to  
21 the subjoined order based on a stipulation that is essentially identical to this one.

22 WHEREAS, on December 19, 2022, the Stipulating Plaintiffs filed a Motion to  
23 Consolidate this matter with other matters pending in the Western District of Washington  
24 related to claims under Section 1 of the Sherman Act for alleged use of Real Page, Inc.'s  
25 revenue management software;

26  
27 STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR CERTAIN DEFENDANTS TO  
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1 WHEREAS, Plaintiffs have submitted a proposed order, pursuant to their Motion to  
2 Consolidate, that if entered, would order consolidated complaints for, respectively, a  
3 Multifamily Housing class and a Student Housing Class, to be filed 45 days after the granting  
4 of the Order;

5 WHEREAS, in light of actions filed recently in the District of Colorado, the District of  
6 Massachusetts, and the Western District of Texas, the Stipulating Defendants intend on filing a  
7 motion pursuant to 28 U.S.C. § 1407 or, possibly, 28 U.S.C. § 1404, to transfer this case to the  
8 Northern District of Texas. In making this stipulation, the Stipulating Defendants do not  
9 waive, in this or any other action, any (i) defenses or arguments for dismissal that may be  
10 available under Fed. R. Civ. P. 12; (ii) affirmative defenses under Fed. R. Civ. P. 8; (iii) other  
11 statutory or common law defenses that may be available; or (iv) right to seek or oppose any  
12 reassignment, transfer, or consolidated alternatives. The Stipulating Defendants expressly  
13 reserve their rights to raise any such defenses (or any other defense) in response to either the  
14 Complaint or any original, amended, or consolidated complaint that may be filed in this or any  
15 other action.

16 THEREFORE, Plaintiffs and the Stipulating Defendants stipulate and agree to suspend  
17 the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to  
18 the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

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20 STIPULATED to this 20th day of December, 2022.

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27 STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR CERTAIN DEFENDANTS TO  
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No. 2:22-cv-01712

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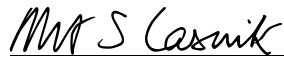
**ORDER**

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., Cushman & Wakefield, Inc., FPI Management, Inc., RPM Living, LLC, BH Management Services, LLC, Mid-America Apartment Communities, Inc., Bozzuto Management Company, AvalonBay Communities, Inc., Highmark Residential, LLC, Equity Residential, Essex Property Trust, Inc., Camden Property Trust, UDR, Inc., ConAm Management Corporation, Thrive Communities Management, LLC, and Prometheus Real Estate Group, Inc. to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended.

Plaintiffs and Defendants RealPage, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., Cushman & Wakefield, Inc., FPI Management, Inc., RPM Living, LLC, BH Management Services, LLC, Mid-America Apartment Communities, Inc., Bozzuto Management Company, AvalonBay Communities, Inc., Highmark Residential, LLC, Equity Residential, Essex Property Trust, Inc., Camden Property Trust, UDR, Inc., ConAm Management Corporation, Thrive Communities Management, LLC, and Prometheus Real Estate Group, Inc. shall meet and confer and file a status report with the Court by January 18, 2023.

Dated this 21st day of December, 2022.



Robert S. Lasnik  
United States District Judge